1974. No. 279 **[C]**

PENSIONS

Pensions Increase (Civil Service Pensions)

REGULATIONS, DATED 31ST OCTOBER 1974, MADE BY THE DEPARTMENT OF FINANCE UNDER ARTICLES 2(2), 3(1), (2) AND (4) AND 6(*a*) OF THE PENSIONS (INCREASE) (NORTHERN IRELAND) ORDER 1974.

The Department of Finance in exercise of the powers conferred by Articles 2(2), 3(1), (2) and (4) and 6(*a*) of the Pensions (Increase) (Northern Ireland) Order 1974(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

1. These regulations may be cited as the Pensions Increase (Civil Service Pensions) Regulations (Northern Ireland) 1974 and shall come into operation on 6th November 1974.

2. In these regulations—

"the 1974 Order" means the Pensions (Increase) (Northern Ireland) Order 1974;

"civil service pension" means a pension payable under the principal civil service pension scheme;

"Class A pension" means any civil service pension payable in respect of service ending with—

(*a*) employment in which any pay increase normally takes effect on 1st January in any year; or

(*b*) employment in the civil service of Northern Ireland of a kind in relation to which increases in pay are, or on 1st October 1973 were, linked to rates of pay negotiated by a body specified in column 1 of Schedule 1;

"Class B pension" means any civil service pension—

(*a*) which is payable in respect of service ending with employment in the civil service of Northern Ireland of a kind in relation to which increases in pay are, or on 1st October 1973 were, linked to rates of pay negotiated by a body specified in column 1 of Schedule 2; or

(*b*) which is not either such a pension as is specified in paragraph (*a*) or a Class A pension;

"principal civil service pension scheme" has the meaning given by Article 4(10) of the Superannuation (Northern Ireland) Order 1972(**b**).

3. Civil service pensions are hereby prescribed for the purposes of Article 3(1) of the 1974 Order.

(a) S.I. 1974/1267 (N.I. 2). (b) S.I. 1972/1073 (N.I. 10).

4. Class A pensions are pensions as respects which, in the opinion of the Department of Finance, increases in the emoluments relevant for the purpose of calculating the pensions were deferred during the period beginning with 6th November 1972 and ending with 31st March 1973 in consequence of provisions of the Counter-Inflation (Temporary Provisions) Act 1972(**c**), and accordingly sub-paragraph (*a*) of Article 3(2) of the 1974 Order applies to such pensions.

5. The date on which, in the opinion of the Department of Finance, the emoluments relevant for the purpose of calculating a civil service pension were, or are expected to be, increased by the principal pay increase made, or expected to be made, during the year ending with 6th November 1974, in accordance with the code in force under section 2 of the Counter-Inflation Act 1973(**d**) at the time of the increase, is—

(*a*) in the case of a Class A pension in respect of service ending with employment of a kind in relation to which increases in pay are, or on 1st October 1973, were, linked to rates of pay negotiated by one of the bodies specified in column 1 of Schedule 1, the date appearing in column 2 of that Schedule opposite the name of that body;

(*b*) in any other case of Class A pension, 1st January 1974;

(*c*) in the case of a Class B pension in respect of service ending with employment of a kind in relation to which increases in pay are, or on 1st October 1973 were, linked to rates of pay negotiated by one of the bodies specified in column 1 of Schedule 2, the date appearing in column 2 of that Schedule opposite the name of that body; and

(*d*) in the case of any other Class B pension, 1st July 1974;

and accordingly those dates shall respectively be the relevant dates for those pensions.

6.—(1) The 1974 Order shall have effect, in relation to any civil service pension which by virtue of the principal civil service pension scheme is calculated by reference to the provisions of paragraph 2(2) or 5 of Schedule 1 to the Superannuation Act (Northern Ireland) 1967(**e**) (which apply to certain persons who were civil servants on 17th December 1935), subject to the amendments specified in paragraph (2).

(2) In relation to such a pension as is described in paragraph (1) the Schedule to the 1974 Order shall have effect as if—

(*a*) in paragraph 5, for the words "before 1st April 1974" there were substituted the words "on or before the relevant date"; and

(*b*) paragraphs 7 and 16 were omitted,

and accordingly, such a pension, if it begins after the relevant date for the pension, shall not be increased under the 1974 Order.

7. Any increase of pension payable by virtue of these regulations shall have effect in respect of any period beginning on or after 1st December 1973.

Sealed with the Official Seal of the Department of Finance for Northern Ireland this 31st day of October 1974.

(L.S.) *J. S. H. Gaw,*
Assistant Secretary.

(**c**) 1972. c. 74.
(**d**) 1973. c. 9.
(**e**) 1967. c. 24 (N.I.).

SCHEDULE 1 Regulations 2 and 5

Bodies negotiating rates of pay to which certain Class A pensions are related, together with relevant dates.

Bodies (1)	*Relevant date* (2)
National Joint Industrial Council for the Waterworks Undertakings Industry	2nd December 1973
Civil Service Central Whitley Council (Northern Ireland) in relation only to seamstress	8th December 1973
The Joint Councils for the Health and Personal Social Services (Northern Ireland)	13th December 1973
The Scottish Joint Industry Board for the Plumbing and Mechanical Services Industry	24th December 1973
The Agricultural Wages Board for Northern Ireland	4th February 1974

SCHEDULE 2 Regulations 2 and 5

Bodies negotiating rates of pay to which certain Class B pensions are related, together with relevant dates.

Bodies (1)	*Relevant date* (2)
Northern Ireland Joint Negotiating Committee for Manual Workers	7th November 1973
Northern Ireland Joint Industrial Council for Local Authority Services	7th November 1973
North Western Provincial Council of the National Joint Council for Local Authority Services.	7th November 1973
Joint Negotiating Committee for Local Authorities' Services (Building and Civil Engineering).	7th November 1973
Joint Negotiating Committee for Local Authorities' Services (Engineering Craftsmen)	7th November 1973
Amalgamated Union of Engineering Workers	7th November 1973
Civil Service Central Whitley Council (Northern Ireland) in relation only to	1st April 1974
(i) chief nursing officer or nursing officer (ii) nurses (iii) chief education officer, education officer or teacher	
The National Joint Industrial Council for the Motor Vehicle Retail and Repairing Trade	14th May 1974
Joint Council for the Building and Civil Engineering Industry (Northern Ireland)	10th June 1974
Union of Construction, Allied Trades and Technicians	10th June 1974

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations apply the Pensions (Increase) (Northern Ireland) Order 1974 to pensions payable under the Principal Civil Service Pension Scheme (Northern Ireland). Such pensions which begin after 1st January 1973 qualify for the special pensions increases under the 1974 Order. The regulations specify those pensions under the scheme ("Class A pensions") which are payable in respect of service ending with employment which suffered deferment of a pay increase in consequence of the Counter-Inflation (Temporary Provisions) Act 1972 during the period 6th November 1972 to 31st March 1973; these pensions will consequently be increased in accordance with Part I of the Schedule to the 1974 Order. All other pensions under the scheme ("Class B pensions") will be increased in accordance with Part II of the Schedule to the Order.

The regulations also specify the "relevant date"—the date of the principal pay increase made or expected to be made during the year ending 6th November 1974—for the employments concerned.

The provisions of the 1974 Order are modified for pensions of those civil servants with a reserved right to the terms of the Superannuation Act 1859. Those pensions are calculated by reference to pay on the last day of service rather than the average salary over a 12-month period. The effect of the modification is that no increase is payable on such pensions which begin after the specified relevant date.

Under the powers in Article 6(*a*) of the 1974 Order the regulations provide for increases payable by virtue of the regulations to take effect from

1st December 1973.